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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/608,827	06/27/2003	Jon Christian Wolfe	19538-12459	8071

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EXAMINER	
THOMASSON, MEAGAN J	
ART UNIT	**PAPER NUMBER**
3714	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/608,827	WOLFE ET AL.	
	Examiner	Art Unit	
	Meagan Thomasson	3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-26* is/are pending in the application.

4a) Of the above claim(s) *6-10 and 16-20* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,11-15,21-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *27 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The examiner acknowledges the amendments made to claims 1,2,11 and 12. Claims 6-10 and 16-20 have been canceled, and claims 21-26 have been added.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-5,11-15,21 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe (US 2002/0103027 A1) in view of Walsh et al. (US 5,630,755).

Regarding claims 1,2,11 and 12, Rowe et al. discloses a gaming system and method including a portable transaction device having "a display and at least one input

device" wherein the portable transaction device is "capable of receiving and sending information over a wireless communication link", (paragraph 0010, lines 4-6). Rowe et al. further discloses a communication network comprising a server and memory in paragraph 0035, and paragraphs 0084 and 0085 disclose a database containing player identification data, including player rating and comp data.

The bi-directional communication between the portable transaction device and the host server includes the ability to retrieve casino business data from the host server, update casino business data contained in the database, and communicate demands to the host server for execution, wherein said casino business data includes comp data for a plurality of customers, as described in paragraphs 0016 and 0061. Paragraph 0016 states that "the user of the portable transaction interface may update a player's profile" and in addition "may obtain player identification information or profile information". Paragraph 0061 discloses the use of the portable transaction device to issue comps based on the comp data, stated as "the user may check on the availability of certain accommodation prizes. For example, when the game player has received an award for a room upgrade, the accommodation service interface may be used to check on the availability of a room and to make a room reservation." Further, "a gaming representative may use the accommodation service interface 130 in order to validate the player's award ticket and check on the availability of the award and institute the award", wherein the accommodation service interface refers to the portable transaction device.

In addition, Rowe et al. discloses the use of the portable transaction device as a means for inputting enrollment data about a casino customer desiring to enroll in a customer loyalty program in paragraph 0018, stated as "The portable transaction device may also be utilized to perform a variety of other player tracking related functions. For example, the portable transaction device may be used to enroll a player in the tracking or rewards system".

*Rowe does not specifically disclose casino business data including at least one of data related to a rotation of a drop box for a gaming machine and data related to a hopper fill for a gaming machine (claims **1,2,11,12**), nor that the casino business data includes an identifier associated with a drop box installed at a selected gaming location (claims **21** and **24**).* However, in an analogous gaming machine data collection invention, Walsh discloses providing means to read data stored in a machine and then communicating such data to a remote computer, laptop, (col. 1, lines 62-65) or handheld data storage device (col. 3, lines 30-31) by means of wireless communication (col. 5, lines 25-32), including radio frequency, light, and infrared (claims **4,14**). The communicated data comprises casino business data including data related to a rotation of a drop box, referred to by Walsh as an LRC (lockable, removable cassette [20], Fig. 5) for a gaming machine (col. 4, lines 8-48). Additionally, Walsh discloses an identifier associated with a drop box installed at a selected gaming machine (col. 3, lines 60-67). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the analogous teachings of Rowe and Walsh in order to collect casino business data related to a rotation of a drop box from a gaming machine as Rowe

discloses tracking accounting info at gaming stations throughout the casino, including determining the amount of cash or chips at a gaming station (paragraphs 0116-0118).

Regarding claims 3 and 13, wherein communication between the host server and the handheld computing device is established with ultrasonic signals, Walsh discloses the use of a variety of types of wireless signals, including radio frequency, infrared and light (col. 5, lines 25-32). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize ultrasonic wireless communication means as this is a design choice at the discretion of the inventor and gaming facility in which the system is implemented.

Regarding claims 5 and 15, Rowe et al. discloses the use of the wireless communication system described above, wherein said wireless communication system comprises a radio frequency communication system, stated as "the PTD 24 may communicate with a remote transaction server 160 via a wireless communication interface including a spread spectrum cellular network communication interface" in paragraph 0054, wherein the term "PTD" refers to a portable transaction device. It is well known to those of ordinary skill in the art that a cellular communication network is an example of a radio frequency communication system.

Claims 22,23,25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rowe (US 2002/0103027 A1), Walsh et al. (US 5,630,755) and further in view of Lucero et al. (US 4,283,709).

Rowe/Walsh discloses the invention as described above. *Rowe/Walsh does not specifically disclose wherein the casino business data includes hopper fill information about a selected gaming machine (claims **22** and **25**), and wherein the casino business data includes an authorization for a casino employee to perform a hopper fill at a selected gaming machine (claims **23** and **26**).* However, in an analogous gaming machine data collection invention, Lucero discloses transmitting accounting information including a hopper fill signal to a central processing unit (col. 11, lines 46-50). Additionally, Rowe discloses that a portable transaction device requires employee identification authorization in order to gain access to the device functions (paragraph 0046-0047). Further, Rowe discloses that the portable transaction device may be utilized to transmit accounting information, including a fill request at a gaming station (paragraph 0113). Thus, it would have been obvious to require employee authorization information in order to facilitate a hopper fill, as the employee must provide identification information in order to gain access to the portable transaction device. It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Rowe and Lucero in order to provide casino business data including hopper fill information about a selected gaming machine as Rowe discloses providing fill information for a selected gaming station (paragraph 0113).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Pertinent prior art includes LeStrange et al. (US 5,470,079),

drawn to a game machine accounting and monitoring system, and Harlick (US RE37,414 E), drawn to remotely interrogating the credits on a gaming machine.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan Thomasson whose telephone number is (571) 272-2080. The examiner can normally be reached on M-F 830-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272-6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Robert E Pezzuto
Supervisory Patent Examiner
Art Unit 3714

Meagan Thomasson
May 11, 2007